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COMMISSIONER



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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

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DATE: JUNE 11, 2002

DOCKET NO: T-03876A-01-1001

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Philip Dion. The recommendation has been filed in the form of an Order on:

U.S. TELEPACIFIC CORPORATION DBA  
TELEPACIFIC COMMUNICATIONS  
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

JUNE 20, 2002

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JUNE 25, 2002 and JUNE 26, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission  
**DOCKETED**

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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF  
U.S. TELEPACIFIC CORPORATION, D/B/A,  
TELEPACIFIC COMMUNICATIONS FOR  
CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. T-03876A-01-1001

DECISION NO. \_\_\_\_\_

**ORDER**

Open Meeting  
June 25 and 26, 2002  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On March 13, 2001, in Decision No. 63446, the Commission granted U.S. TelePacific Corporation d/b/a, TelePacific Communications ("TelePacific" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to provide competitive facilities-based and resold interexchange and local exchange telecommunications services.
2. On December 20, 2001, Applicant filed an application to cancel its CC&N. The application stated that Applicant has never served any customers or subscribers in the State of Arizona and has taken no deposits. Applicant requested the release of its surety bond.
3. On December 31, 2001 the Commission's Utilities Division Staff ("Staff") filed a Staff Report in this matter.
4. In the Staff Report, Staff verified that Applicant has not served any Arizona customers. Staff stated that no prepayments, deposits, or advances would be at risk by cancellation of Applicant's CC&N. In addition, Staff stated that there are numerous other carriers offering services similar to Applicant's in Arizona.
5. Staff recommended that TelePacific's application be approved without a hearing.

6. Pursuant to Commission rules, the Commission may grant the application without a hearing.

**CONCLUSIONS OF LAW**

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's CC&N is in the public interest.

4. Staff's recommendation in Findings of Fact No. 5 is reasonable and should be adopted.

**ORDER**

IT IS THEREFORE ORDERED that the application of U.S. TelePacific Corporation d/b/a TelePacific Communications for the cancellation of its Certificate of Convenience and Necessity to provide competitive facilities based resold interexchange and local exchange telecommunications services is hereby approved.

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1 IT IS FURTHER ORDERED that Applicant's surety bond shall be released.  
2 IT IS FURTHER ORDERED that this Decision shall become effective immediately.  
3 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
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6 CHAIRMAN COMMISSIONER COMMISSIONER

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8 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
9 Secretary of the Arizona Corporation Commission, have  
10 hereunto set my hand and caused the official seal of the  
11 Commission to be affixed at the Capitol, in the City of Phoenix,  
12 this \_\_\_\_ day of \_\_\_\_\_, 2002.

13 BRIAN C. McNEIL  
14 EXECUTIVE SECRETARY

15 DISSENT \_\_\_\_\_  
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1 SERVICE LIST FOR: TELEPACIFIC COMMUNICATIONS

2 DOCKET NO. T-03876A-01-1001

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